

REMARKS/ARGUMENTS

Claims 1-9 and 18-26 are now pending in this application. Claims 10-17 have been cancelled. Claims 22-26 are newly added. Claims 1, 18 and 22 are independent claims. Claims 1 and 18 have been amended.

Specification Objections

The Patent Office objected to the specification because of informalities. (Office Action, Page 2) Amendments have been made to the specification to address all objections under this section.

Claim Rejections – 35 USC § 112, 2nd Paragraph

Claims 16 and 17 were rejected under 35 U.S.C. § 112, 2nd Paragraph. (Office Action, Page 2) Claims 16 and 17 have been cancelled, thereby rendering moot the rejections under this section.

Claim Rejections – 35 USC § 102(b)

Claims 18, 20 and 21 were rejected under 35 U.S.C. § 102(b) as being anticipated by Heil et al., United States Patent Number: 6,173,374 (hereinafter: Heil). (Office Action, Page 2). Applicants respectfully traverse these rejections.

Anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration. *W.L. Gore & Assocs. v. Garlock*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984). Further, “anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim.” *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984) (citing *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983)) (emphasis added).

Independent claim 18 recites elements that have not been disclosed, taught or suggested by Heil. For example, claim 18 generally recites: “wherein the encapsulated FC packet is transmitted to the remote host bus adapter via an external Ethernet link directly connecting a local software driver of a local host bus adapter with a remote

software driver of the remote host bus adapter.” It is contended that Heil does not teach the above-referenced elements of the claimed invention. Therefore, under *Lindemann*, a prima facie case of anticipation has not been established for claim 18. Thus, independent claim 18 should be allowed. Further, dependent claims 19-21 (which depend on independent claim 18) should also be allowed.

Claim Rejections – 35 USC § 103(a)

Claim 19 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Heil, in view of LSI Logic’s Fusion-MPT. (Office Action, Page 7). Claims 1-4 and 6 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Heil, in view of Emulex HBAnyware. (Office Action, Page 8). Claim 5 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Heil, in view of Emulex HBAnyware. (Office Action, Page 10). Claim 7 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Heil, in view of Emulex HBAnyware. (Office Action, Page 10). Claim 8 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Heil, in view of Emulex HBAnyware. Claim 9 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Heil, in view of Emulex HBAnyware, in further view of LSI Logic’s Fusion-MPT. (Office Action, Page 11). Applicants respectfully traverse these rejections.

“To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.” (emphasis added) (MPEP § 2143). “If an independent claim is non-obvious under 35 U.S.C. 103, then any claim depending therefrom is non-obvious.” (emphasis added) *In re Fine*, 837 F. 2d 1071, 5USPQ2d 1596 (Fed. Cir. 1988). Applicant respectfully submits that independent Claims 1 and 18 include elements that do not appear to have been disclosed by any of the references cited by the Patent Office, either alone or in combination.

Independent Claim 1 of the present invention generally recites a method for

remote host bus adapter management in which the method provides for a modified common transport message to be transmitted from a local host bus adapter to a remote host bus adapter via an external Ethernet link, the external Ethernet link directly, communicatively connecting a local software driver of the local host bus adapter to a remote software driver of the remote host bus adapter. (Present Application, Page 4, Paragraph 0010, Page 7, Paragraph 0017, & FIG. 8).

Independent Claim 18 of the present invention generally recites a method for remote host bus adapter management in which the method provides for transmitting an encapsulated FC packet to a remote host bus adapter via an external Ethernet link directly, communicatively connecting a local software driver of a local host bus adapter with a remote software driver of a remote host bus adapter. (Present Application, Page 4, Paragraph 0010, Page 7, Paragraph 0017, & FIG. 8).

The above-referenced elements of the claims provide flexibility in the design of a system implementing the present invention in that said elements allow for a software driver of local HBA to communicate with a software driver of a remote HBA, via various connections, such as an Ethernet link (Present Application, Page 7, Paragraph 0017). Unlike the present application, the above-cited references fail to teach, disclose or suggest a system/method for remote host bus adapter management in which the system/method is configured for providing/provides host bus adapter communication via an external Ethernet link for enhancing system design flexibility. Thus, a *prima facie* case of obviousness has not been established for independent Claims 1, 18 and 22. Therefore, Claims 1, 18 and 22 are believed allowable. Claims 2-9, 19-21, and 23-26 are also believed allowable due to their dependence on Claims 1, 18 and 22, respectively.


CONCLUSION

In light of the forgoing, reconsideration and allowance of the pending claims is earnestly solicited.

Appl. No. 10/728,700
Amendm. & Resp. to OA dated 11-16-05

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Dated: February 14, 2006

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